

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM,

Plaintiff,

v.

USA AUTO PROTECTION, LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:20-CV-142-RWS-KPJ

ORDER

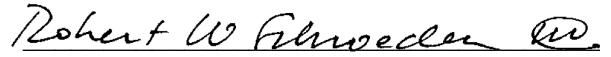
The above-titled and numbered action was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 17, 2022, the Magistrate Judge entered proposed findings of fact and recommendation that Plaintiff Craig Cunningham’s claims against Defendants John/Jane Does 1–5 should be dismissed without prejudice for want of prosecution. Docket No. 122.

Because no objections to the Magistrate Judge’s Report have been filed, neither party is entitled to *de novo* review by the District Judge of those findings, conclusions, and recommendations, and except on grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days). Nonetheless, the Court has reviewed the Magistrate Judge’s report (Docket No. 122) and agrees with the Magistrate Judge’s recommendations. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give the magistrate’s proposed findings of fact and

recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’”) (quoting *Mathews v. Weber*, 423 U.S. 261, 275 (1976)). Accordingly, it is

ORDERED that the Magistrate Judge’s Report (Docket No. 122) is **ADOPTED** as the opinion of the Court. Plaintiff’s claims against Defendants John/Jane Does 1–5 are **DISMISSED WITHOUT PREJUDICE** for want of prosecution.

So ORDERED and SIGNED this 9th day of January, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE